

REMARKS

Claims 1, 2, and 4-29 are rejected in the final Office Action. Claims 1, 2, 4, 6, 7, 10, 13-17, 19, 20, 22, and 26-29 are amended, claims 18, 24, and 25 are cancelled, and claim 30 is added. Accordingly, claims 1, 2, 4-17, 19-23, and 26-30 are pending.

REJECTIONS UNDER 35 USC §102

1. In "Claim Rejections – 35 USC §102" item 5 on page 3 of the above-cited final Office Action, the Examiner rejects claims 1, 2, 4-20, 22, 23 and 26-28 as being anticipated by U.S. Patent No. 7,120,695 to *Nilsson et al.* (hereinafter "Nilsson") under 35 USC §102(e).

Applicants respectfully submit that the rejection of claim 18 is obviated by its cancellation.

Amended claim 1 recites a "method for a client device, comprising:
first requesting, by the client device, a first content from a content provider, including providing a characteristic profile to the content provider, the characteristic profile including one or more characteristics of the client device;
receiving, by the client device, a first reply from the content provider responsive to the first requesting, the first reply including a query for a dynamic characteristic of the client device;
second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic; and
second receiving, by the client device, a second reply from the content provider responsive to the second requesting, the second reply including the first content or portion thereof, wherein the first content or portion thereof is determined by the content provider based at least in part on the dynamic characteristic."

In contrast, Nilsson fails to teach or suggest a client device receiving a query (from a party whom the client requested content from) for a dynamic characteristic of

the client device, or providing in response a query result including the requested dynamic characteristic. Rather, Nilsson simply teaches a method of staged delivery of client characteristic information to a web server based on whether the web server's privacy policy matches client preferences. A client seeking content from a web server may first request a policy reference file from the web server, providing with the request a minimal set of client characteristics. Upon receiving the policy reference file, the client may then request the server's privacy policy, again providing the minimal set with the request. The client may then receive the privacy policy and may determine whether the policy matches client preferences. If the policy matches, the client may request the content it desires from the web server and may provide with the request a full set of client characteristics.

At no point does Nilsson mention any query/request for dynamic characteristics being made by the web server from whom the client device requested content. Thus, Nilsson fails to disclose "receiving, by the client device, a first reply from the content provider ... the first reply including a query for a dynamic characteristic of the client device", as is claimed in claim 1. Instead, Nilsson teaches a client-driven method of determining what characteristics to provide and of providing those characteristics. This client-driven method is not a mere design choice but is rather a logical consequence of the purpose of Nilsson: verifying the privacy policy of a web server before providing the web server with client characteristics. Allowing the web server to direct the client to provide characteristics would necessarily contravene this purpose. Thus, Nilsson not only fails to disclose a query made by a content provider, but also teaches away from such a query.

Also, nothing in Nilsson discloses a "dynamic characteristic" of the client, as claimed in claim 1. Rather, Nilsson simply teaches two profiles of device characteristics. The use of profiles, in accordance with its plain meaning as understood by those of ordinary skill in the art, actually suggests that the provided characteristics are static, and not dynamic, including static information such as the client's CPU type, size of memory, and so forth.

Accordingly, amended claim 1 is patentable over Nilsson under §102.

Independent, amended claims 16, 22, 26, and 28 include limitations similar to those of amended claim 1. Thus, for at least the above stated reasons, claims 16, 22, 26, and 28 are patentable over Nilsson under §102.

Claims 2, 4-15, 17, 19, 20, 23, and 27 depend from claims 1, 16, 22, and 26, respectively, incorporating their limitations. Thus, for at least the same reasons discussed above, claims 2, 4-15, 17, 19, 20, 23, and 27 are patentable over Nilsson under §102.

2. In "Claim Rejections – 35 USC §102" item 6 on page 3 of the above-cited final Office Action, the Examiner rejects claims 24 and 25 as being anticipated by U.S. Patent Publication No. 2003/0110234 to *Egli et al.* (hereinafter "Egli") under 35 USC §102(e).

Applicants respectfully submit that the rejections of claims 24 and 25 are obviated by their cancellations.

REJECTIONS UNDER 35 USC 103(A)

In "Claim Rejections – 35 USC §103" item 31 on page 9 of the above-cited final Office Action, the Examiner rejects claims 21 and 29 as being unpatentable over Nilsson in view of U.S. Patent No. 6,978,373 to *Hild et al.* (hereinafter "Hild") under 35 USC §103(a).

Hild does not cure the deficiencies of Nilsson. Thus, amended claims 16 and 28 remain patentable even when Hild is combined with Nilsson.

Claims 21 and 29 are dependent on amended claims 16 and 28, respectively, incorporating their limitations. Therefore, for at least the same reasons discussed

above, claims 21 and 29 are patentable over Nilsson and Hild, alone or in combination, under §103.

Conclusion

Applicants respectfully assert that claims 1, 2, 4-17, 19-23, and 26-29 are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
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